



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 13 2006

OFFICE OF
WATER

Mr. Marc Edwards
Virginia Tech
407 Durham Hall
Blacksburg, VA 24060

RE: Freedom of Information Act Request HQ-RIN-00769-06

Dear Mr. Edwards:

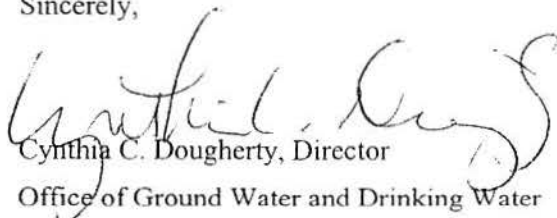
This is in response to your Freedom of Information Act request regarding FOIAs HQ-RIN-HQ-02104-05 and HQ-RIN-01812-05, in which you requested information related to communications, meetings, or meeting notes about your FOIAs starting August 5th. Attached, you will find copies of some of the documents responsive to your request.

We are unable to provide you with the documents, or portions of documents, which have been determined to be exempt from mandatory disclosure by virtue of 5 U.S.C. 552(b)(5) intra-agency or inter-agency deliberative memorandums. Specifically, we are withholding 14 inter-agency deliberative e-mails regarding FOIA HQ-RIN-02104-05 per 5 U.S.C. 552(b)(5). And, we are withholding 24 inter-agency deliberative e-mails and one inter-agency FAX regarding FOIA HQ-RIN-01812-05 per 5 U.S.C. 552(b)(5).

Under the FOIA, you have the right to appeal my partial denial determination to EPA, Office of Environmental Information, Records, Privacy, and FOIA Branch (2822T), 1200 Pennsylvania Avenue, N.W., Washington, DC 20460. The appeal must be made in writing, and it must be received at this address no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30-day limit. The appeal may include as much or as little related information as you wish, as long as it clearly identifies the determination being appealed (including the assigned FOIA request number - HQ-RIN-00769-06. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Please contact Stephanie Flaherty at 202-564-5072 should you have any questions concerning this matter.

Sincerely,


Cynthia C. Dougherty, Director
Office of Ground Water and Drinking Water

Enclosures



Mary Powers/DC/USEPA/US

08/08/2005 02:46 PM

To Stephanie Flaharty/DC/USEPA/US@EPA

cc

bcc

Subject Re: Fw: FOIA Case Assignment (HQ-RIN-01812-05)
[Edwards]

I have emailed the requester to confirm that he wants all emails to and from the 4 employees. I'll let you know when I hear back from him.

Mary Katherine Powers
Records, FOIA, and Privacy Branch
Office of Environmental Information
Phone (202) 566-1670



Stephanie
Flaherty/DC/USEPA/US
08/08/2005 02:55 PM

To Mary Powers/DC/USEPA/US@EPA
cc
bcc
Subject Re: Fw: FOIA Case Assignment (HQ-RIN-01812-05)
[Edwards]

Thanks Katherine, but what about a topic?

Mary Powers/DC/USEPA/US



Mary Powers/DC/USEPA/US
08/08/2005 02:46 PM

To Stephanie Flaherty/DC/USEPA/US@EPA
cc
Subject Re: Fw: FOIA Case Assignment (HQ-RIN-01812-05)
[Edwards]

I have emailed the requester to confirm that he wants all emails to and from the 4 employees. I'll let you know when I hear back from him.

Mary Katherine Powers
Records, FOIA, and Privacy Branch
Office of Environmental Information
Phone (202) 566-1670

566-2162

* Larry Gottsman.
HQ FOIA officer

2 prong →

outgoing & incoming

Quantify #'s

→ Unduly burdensome

Do you want to modify request
best

We don't search backup records

→ We only search files on

Per year → or in total.

good faith effort

creating inventory

laying ground work for appeal (could be 1,000)

WFOIA 405



Stephanie
Flaharty/DC/USEPA/US
08/08/2005 02:12 PM

To Mary Powers/DC/USEPA/US@EPA
cc Diane Jones/DC/USEPA/US@EPA
bcc
Subject Fw: FOIA Case Assignment (HQ-RIN-01812-05) [Edwards]

Katherine,

Please clarify the scope of the subject FOIA. It appears that the requestor is looking to receive electronic copies of **ALL** email records from the four EPA staff from 6/1/2002 to present. Please advise.

Stephanie Flaharty
Senior Regulations Manager
Office of Ground Water and Drinking Water
202.564.5072

----- Forwarded by Stephanie Flaharty/DC/USEPA/US on 08/08/2005 02:03 PM -----



Diane
Jones/DC/USEPA/US@EPA
08/08/2005 01:40 PM

To Stephanie Flaharty/DC/USEPA/US@EPA
cc
Subject Case Assignment (HQ-RIN-01812-05)

Case 'HQ-RIN-01812-05' has been assigned to You.

Details:

Request Type : FOIA/PA
Requested By : Edwards, Marc
Requested Date : 8/5/2005
Primary User : Flaharty, Stephanie

Comments:

OGWDW please provide responsive records to the OEI LEAD contact. OEI contact information will be passed on to you upon receipt.



Stephanie
Flaharty/DC/USEPA/US
08/09/2005 09:57 AM

To Mary Powers/DC/USEPA/US@EPA
cc Veronica Blette/DC/USEPA/US@EPA
bcc
Subject Re: Fw: your FOIA request for emails to and from EPA
OGWDW employees

We definitely would like clarification on any specific topic(s) -- thanks for your assistance in contacting the requestor.

Stephanie Flaharty
Senior Regulations Manager
Office of Ground Water and Drinking Water
202.564.5072

Mary Powers/DC/USEPA/US



Mary Powers/DC/USEPA/US
08/09/2005 08:39 AM

To Stephanie Flaharty/DC/USEPA/US@EPA
cc
Subject Fw: your FOIA request for emails to and from EPA OGWDW
employees

The requester said that he is interested in all emails from the 4 individuals; however, I could email him again just to make sure he does not have specific topics in mind. let me know.

Mary Katherine Powers
Records, FOIA, and Privacy Branch
Office of Environmental Information
Phone (202) 566-1670

----- Forwarded by Mary Powers/DC/USEPA/US on 08/09/05 08:38 AM -----



Marc Edwards
<edwardsm@vt.edu>
08/08/05 03:37 PM

To Mary Powers/DC/USEPA/US@EPA
cc
Subject Re: your FOIA request for emails to and from EPA OGWDW
employees

Yes.

Marc Edwards
Charles Lunsford Professor of Civil Engineering

At 02:45 PM 8/8/2005, Powers.Mary@epamail.epa.gov wrote:

>The EPA received your FOIA request regarding emails related to 4 OGWDW
>employees. It appears that you are interested in receiving electronic
>copies of ALL email records from the four EPA staff from 6/1/2002 to
>present. Please confirm that this is the case. Thank you.

>

>Mary Katherine Powers
>Records, FOIA, and Privacy Branch
>Office of Environmental Information
>Phone (202) 566-1670

5



Mark Day/DC/USEPA/US
08/10/2005 09:32 AM

To Cynthia Dougherty/DC/USEPA/US@EPA
cc bill boone, pam shenefiel
bcc
Subject FOIA Request FYI

Cynthia,

We have a FOIA request for all of yours, Eric Burneson, Jeff Kempic, and Ephraim King's emails from 6/1/02 to present. They request them in electronic form and have agreed to pay up to \$1000. It would appear to be that such a request would actually require someone in OW to review each email and determine if it had materials that are FOIA exempt in them and once determined then some way to capture only those allowable. Since this involves a subject matter determination, I am going to ask that it be reassigned to OW. Not sure why this was assigned to us, its bit like assigning all paper FOIAs to records office. Anyway I wanted you to be aware this was coming since it may take a day or two to get thru reassignment process and it looks like one you might want all time available and not get late from us. I will also ask our person to send the OW contact a courtesy copy today, so that they can see it before it gets thru formal process.

Of course, OTOP will provide OW with technical assistance as needed under the WCF technical consulting process. As part of the email service for which you have already paid we will make any backup tapes we have etc available to your office free of charge. If your folks need additional help, depends on many factors so I can't prejudge that today, in creating search methods or operations to separate out and store certain emails apart, etc. we will be happy to provide the consulting service. Let Bill or I know if there is anything else we can do to help.

Mark Day
Director Office of Technology Operations and Planning, OEI
202-566-0300
5102 EPA West



**Veronica
Blette/DC/USEPA/US**
10/11/2005 04:43 PM

To Stephanie Flaharty/DC/USEPA/US@EPA
cc
bcc
Subject Edwards FOIA

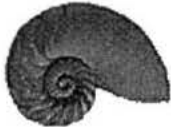
	#
Jeff	810
Eric	1623
Ephraim	333
Cynthia	448
	3214

some of these documents may include one or more of the words and likely address items outside of his request...e.g., for "leak", there were some emails about the leak in HQ cafeteria.

Please note that many of these files have attachments, which may still mean a lot of documents if they need to be included.

Veronica Blette
Special Assistant to the Director
Office of Ground Water and Drinking Water
phone: 202-564-4094

7



Stephanie
Flaherty/DC/USEPA/US
10/11/2005 05:23 PM

To Diane Jones/DC/USEPA/US@EPA
cc
bcc
Subject FOIA hq-rin-01812-05 [Edwards]

Hi Diane,

Earlier this month, Marc Edwards narrowed his very broad search for us. Using the keywords that he sent for our search, we came up with 4,000 emails. This sum does not include attachments that we would have to review as well.

The attached cost worksheet estimate shows a range of cost for reviewing 4,000-6,000 pages. Please review it. (b) (6) but I'll give you a call to seek your comments.



FOIA 01812-05 COST EST 10-05.xls

Thanks,
Steph
(b) (6) (cell)

10/11/05

FOIA #HQ-RIN-01812-05 (Edwards)

Cost Worksheet Estimate

	Search	Review	Elec Copies	Total
Search: \$40/hr @ 1/hr each 3,214 = 4 hrs. @ \$40/hr.	\$160			
Review: 5 minutes each email @ 4,000-6000 pages (including attachments).				
4000 pgs. equals 333 hrs. @ \$41/hr		\$13,653		
6000 pgs. Equals 500 hrs. @ \$41/hr		\$20,500		
Elec copies: 3,900 pages @ .15/page			\$585	
5,900 pages @ .15/page			\$885	
(First 100 pages free) Assuming 10 - 20 seconds per email to transmit				
Total Cost Low Example:				\$14,398
Total Cost High Example:				\$21,545



Stephanie
Flaharty/DC/USEPA/US

10/14/2005 02:59 PM

To Diane Jones

cc

bcc

Subject Fw: FOIA Request # HQ-RIN-01812-05 Revised from Mr.
Marc Edwards - Assurance of Payment

----- Forwarded by Stephanie Flaharty/DC/USEPA/US on 10/14/2005 02:58 PM -----



Marc Edwards
<edwardsm@vt.edu>

10/14/2005 02:39 PM

To Stephanie Flaharty/DC/USEPA/US@EPA

cc

Subject Re: FOIA Request # HQ-RIN-01812-05 Revised from Mr.
Marc Edwards - Assurance of Payment

I guess it will make sense to me when I get the final detailed bill, since I agree there is likely a lot of duplication.

This e-mail assures payment to the \$14,849 level.

On the basis of what you provided, and some new information I have discovered, I do not need the "e-mails" that turned up with the keyword "Cadmus" after 8/10/2004 from either Jeff Kempic or Eric Burneson. That should slightly reduce the burden on the individuals involved. I still want all e-mails indicated from King and Dougherty, and I still want the e-mails from before 8/10/2004 with the keyword Cadmus from Kempic or Burneson.

Thanks very much for your hard work. I admit to the likelihood of being crazy...but I am not unappreciative.

Also, to re-iterate so there is no misunderstandings...I am requesting and I believe I am entitled to electronic copies. My assumption is that the records will be provided in some kind of easily readable format like a text file or WORD or something, and on some media like a CD-ROM. I also **do not want to be provided any attachments to the e-mails** at this time.

Let me know if you should have any further questions.

Regards,
Marc

At 06:07 PM 10/13/2005, you wrote:

Marc,

Here's the tally of emails by categories and keywords that you requested. Let me know what you would like to do. Without attachments your cost at this point would be on the low end of \$14,849, but please note that there may be duplicate emails in this tally (because of more than one keyword that could appear in the same email). We will not know the exact amount until we review each email.

Steph
564-5072

(Embedded image moved to file: pic11369.jpg)

Marc Edwards
<edwardsm@vt.edu
> To
Stephanie
10/13/2005 11:35 AM Flaharty/DC/USEPA/US@EPA
cc
Subject
Re: FOIA Request #
HQ-RIN-01812-05 Revised from Mr.
Marc Edwards - Assurance of
Payment

Stephanie,

Also...at this point I am not at all interested in attachments related to e-mails, unless they are for documents I requested in the FOIA request I

had which was not specifically related to e-mails? Does that change anything?

Before sending the check, I want to make sure I am getting the info I wanted. For some reason another Region thought that when I requested e-mails, that I also wanted the attachments also..apparently some secretary spent hours redacting information from hundreds of pages of spreadsheets, etc. that I did not even want.

Give me a call if I am not making myself clear. Thanks for all your hard work.

Regards,
Marc

At 09:30 AM 10/13/2005, you wrote:

>Assurance of Payment

>

>Re: Freedom of Information Act Request HQ-RIN-01812-05

>

>Dear Marc,

>

> This letter concerns your Freedom of Information Act request of
>August 5, 2004 and subsequent revisions to your request on September
2nd
>and 3rd, 2005.

>

> You were placed in the chargeable fee category, which means you
>are charged for search, identification, review, and duplication of the
>documents for total charges over \$25.00, in accordance with the
Agency's
>regulations (40 CFR 2.120).

>

> We have estimated that the cost to process your request ranges
>from \$14,398.00 to \$21,545.00, depending on the size (actual number of
>pages) of the attachments connected to the e-mails that were tallied
for

>your revised keyword search. In order for us to proceed with your
>request, you must provide us with an assurance of payment on the amount
>of costs associated with your request. See 40 CFR 2.120(c).

>

> Please be advised no further action will be taken on your
request

>until we receive your assurance of payment by no later than 23 October
>2005. If we do not hear from you by this date, we will assume that you
>are no longer interested in pursuing your request and will close the
>request. Be sure to refer to the Freedom of Information Act Request
>number (listed above) in your response.

>

>Sincerely,

>

>Stephanie Flaharty
>Senior Regulations Manager
>Office of Ground Water and Drinking Water
>202.564.5072



Mary Powers/DC/USEPA/US

11/18/2005 01:12 PM

To Stephanie Flaharty/DC/USEPA/US@EPA

cc Diane Jones/DC/USEPA/US@EPA

bcc

Subject status of HQ-RIN-01812-05 and HQ-RIN-02104-05

Hello,

The FOIA Office received two emails from Marc Edwards regarding the status of his two FOIA requests. 1812 concerns emails, etc. for OW employees and 2104 requests records related to EPA web page link re: lead levels above 40 ppb. Mr. Edwards says that he has not received any response on either request. Can you let me know what the status of these requests is? thank you.

Mary Katherine Powers
Records, FOIA, and Privacy Branch
Office of Environmental Information
Phone (202) 566-1670



**Stephanie
Flaharty/DC/USEPA/US**

11/18/2005 01:35 PM

To Mary Powers/DC/USEPA/US@EPA

cc Diane Jones/DC/USEPA/US@EPA

bcc

Subject Re: status of HQ-RIN-01812-05 and HQ-RIN-02104-05

Mary,

This last week, I have sent Mr. Edwards a partial response to HQ-RIN-02104-05 and I requested a 10-day extension to November 26, 2005 to complete our response, which Mr. Edwards agreed to. Since then, I have been corresponding with Mr. Edwards (almost daily) to answer questions and to let him know exactly how we are proceeding in response to his follow-up concerns and questions to satisfy his request. I'll be happy to forward you these emails. Today, I sent him a request for an assurance of payment of \$187.00 because his FOIA request indicated a payment limit of \$50.00.

I have also responded to Mr. Edwards request for a status update and estimated response date for HQ-RIN-01812-05. I told Mr. Edwards that I will investigate the progress on this FOIA and that I would be in contact with him. This FOIA request is very far reaching and cumbersome to collect and review the thousands of emails he has requested (we have estimated charges of \$14,849 to complete). I am still working on an estimate of completion date for him, which I hope to have by next week.

Please let me know if you would like copies of the emails that I referred to above.

Stephanie Flaharty
Senior Regulations Manager
Office of Ground Water and Drinking Water
202.564.5072

Mary Powers/DC/USEPA/US



Mary Powers/DC/USEPA/US

11/18/2005 01:12 PM

To Stephanie Flaharty/DC/USEPA/US@EPA

cc Diane Jones/DC/USEPA/US@EPA

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Mary Katherine Powers
Records, FOIA, and Privacy Branch
Office of Environmental Information
Phone (202) 566-1670



Mary Powers/DC/USEPA/US

11/18/2005 01:47 PM

To Stephanie Flaharty/DC/USEPA/US@EPA

cc Larry Gottesman/DC/USEPA/US@EPA

bcc

Subject Re: status of HQ-RIN-01812-05 and HQ-RIN-02104-05

Thanks for the update. Given that you have had so much contact with him, I am not sure why he sent us these emails requesting new FOIAs on these issues. I'll talk about it with Larry on Monday. If you could forward me the emails, that would be great. I'll put them in the file.

thanks.

Mary Katherine Powers
Records, FOIA, and Privacy Branch
Office of Environmental Information
Phone (202) 566-1670

Stephanie Flaharty/DC/USEPA/US



**Stephanie
Flaharty/DC/USEPA/US**

11/18/05 01:35 PM

To Mary Powers/DC/USEPA/US@EPA

cc Diane Jones/DC/USEPA/US@EPA

Subject Re: status of HQ-RIN-01812-05 and HQ-RIN-02104-05

Mary,

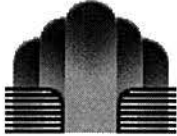
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Please let me know if you would like copies of the emails that I referred to above.

Stephanie Flaharty
Senior Regulations Manager
Office of Ground Water and Drinking Water
202.564.5072

Mary Powers/DC/USEPA/US



Mary Powers/DC/USEPA/US

11/18/2005 03:08 PM

To Stephanie Flaharty/DC/USEPA/US@EPA

cc

bcc

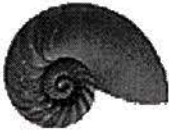
Subject Re: Status of HQ-RIN-01812-05 and HQ-RIN-02104-05

Hello,

No, he does not need another FOIA request for the exemptions. If you can email him dates by which the FOIA requests will be completed, and he agrees, that's fine with us and I'll change the dates in the system.

Mary Katherine Powers
Records, FOIA, and Privacy Branch
Office of Environmental Information
Phone (202) 566-1670

Stephanie Flaharty/DC/USEPA/US



**Stephanie
Flaharty/DC/USEPA/US**

11/18/05 02:41 PM

To Mary Powers/DC/USEPA/US@EPA

cc

Subject Status of HQ-RIN-01812-05 and HQ-RIN-02104-05

Mary,

Here are the stream of this week's emails that I mentioned in my email to you earlier this afternoon. Marc just called me and said that he was indeed satisfied with our response thus far, but he wasn't sure whether he needed another FOIA request for the extensions? See his email in response to our conversation on this date below.

Thanks,
Stephanie Flaharty
Senior Regulations Manager
Office of Ground Water and Drinking Water
202.564.5072

----- Forwarded by Stephanie Flaharty/DC/USEPA/US on 11/18/2005 02:37 PM -----



**Stephanie
Flaharty/DC/USEPA/US**

11/14/2005 01:39 PM

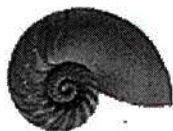
To Marc Edwards <edwardsm@vt.edu>

cc

Subject Re: FOIA Request # HQ-RIN-01812-05 Revised from Mr.
Marc Edwards - Assurance of Payment and FOIA Request
#HQ-RIN-02104-05 dated 9/29/2005

Hi Marc,

Regarding FOIA #HQ-RIN-01812-05, I'll check in with staff to get an idea of where they are in the process and get back to you with an estimate.



**Stephanie
Flaharty/DC/USEPA/US**

11/18/2005 03:12 PM

13

To Mary Powers/DC/USEPA/US@EPA
cc Diane Jones/DC/USEPA/US@EPA
bcc Veronica Blette/DC/USEPA/US@EPA
Subject Re: Status of HQ-RIN-01812-05 and HQ-RIN-02104-05

Hi Mary,

Marc Edwards has agreed to an extension to November 26, 2006 to complete HQ-RIN-02104-05. I'll be giving him an estimated date of completion on HQ-RIN-01812-05 next week and I will copy you with his concurrence.

Thanks,
Steph

Mary Powers/DC/USEPA/US



Mary Powers/DC/USEPA/US

11/18/2005 03:08 PM

To Stephanie Flaharty/DC/USEPA/US@EPA
cc
Subject Re: Status of HQ-RIN-01812-05 and HQ-RIN-02104-05

Hello,

No, he does not need another FOIA request for the exemptions. If you can email him dates by which the FOIA requests will be completed, and he agrees, that's fine with us and I'll change the dates in the system.

Mary Katherine Powers
Records, FOIA, and Privacy Branch
Office of Environmental Information
Phone (202) 566-1670

Stephanie Flaharty/DC/USEPA/US



**Stephanie
Flaharty/DC/USEPA/US**

11/18/05 02:41 PM

To Mary Powers/DC/USEPA/US@EPA
cc
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Senior Regulations Manager
Office of Ground Water and Drinking Water
202.564.5072

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**Stephanie
Flaharty/DC/USEPA/US**

11/14/2005 01:39 PM

To Marc Edwards <edwardsm@vt.edu>

cc

Subject Re: FOIA Request # HQ-RIN-01812-05 Revised from Mr.
Marc Edwards - Assurance of Payment and FOIA Request
#HQ-RIN-02104-05 dated 9/29/2005

Hi Marc,

Regarding FOIA #HQ-RIN-01812-05, I'll check in with staff to get an idea of where they are in the process and get back to you with an estimate.

As far as your FOIA Request #HQ-RIN-02104-05 dated 9/29/2005, I am personally collecting responses from staff here at headquarters and Region 3. The responses will have to go through our Regional and Headquarters' Counsel to determine whether the material is deliberative and/or exempt. Taking this into account, I am requesting from you, a ten day extension from this date for our response. Please let me know if you agree to the extension.

Steph Flaharty
Senior Regulations Manager
Office of Ground Water and Drinking Water
202.564.5072

Marc Edwards <edwardsm@vt.edu>



**Marc Edwards
<edwardsm@vt.edu>**

11/11/2005 06:14 PM

To Stephanie Flaharty/DC/USEPA/US@EPA

cc

Subject Re: FOIA Request # HQ-RIN-01812-05 Revised from Mr.
Marc Edwards - Assurance of Payment



Mary Powers/DC/USEPA/US

11/18/2005 03:14 PM

To Stephanie Flaharty/DC/USEPA/US@EPA

cc

bcc

Subject Re: Status of HQ-RIN-01812-05 and HQ-RIN-02104-05

OK, thanks.

Mary Katherine Powers
Records, FOIA, and Privacy Branch
Office of Environmental Information
Phone (202) 566-1670



Mary Powers/DC/USEPA/US

11/28/2005 02:40 PM

To Stephanie Flaharty/DC/USEPA/US@EPA

cc

bcc

Subject Re: Status of HQ-RIN-01812-05 and HQ-RIN-02104-05

Hello,

I just wanted to make sure I'm reading this right; HQ-RIN-02104-05 is extended until 11/26/2006? Please let me know. thanks.

Mary Katherine Powers
Records, FOIA, and Privacy Branch
Office of Environmental Information
Phone (202) 566-1670

Stephanie Flaharty/DC/USEPA/US



Stephanie Flaharty/DC/USEPA/US

11/18/05 03:12 PM

To Mary Powers/DC/USEPA/US@EPA

cc Diane Jones/DC/USEPA/US@EPA

Subject Re: Status of HQ-RIN-01812-05 and HQ-RIN-02104-05

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Steph

Mary Powers/DC/USEPA/US



Mary Powers/DC/USEPA/US

11/18/2005 03:08 PM

To Stephanie Flaharty/DC/USEPA/US@EPA

cc

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Mary Katherine Powers
Records, FOIA, and Privacy Branch
Office of Environmental Information
Phone (202) 566-1670



Stephanie
Flaharty/DC/USEPA/US
12/20/2005 08:53 AM

To Diane Jones/DC/USEPA/US@EPA
cc
bcc
Subject Fw: FOIA Request # HQ-RIN-01812-05 Revised from Mr.
Marc Edwards - Assurance of Payment

Morning Diane,

Please forward this waiver request to our FOIA office. Note that Mr. Edwards originally agreed to pay the estimated \$14,829 fees (see below).

Thanks,
Steph

----- Forwarded by Stephanie Flaharty/DC/USEPA/US on 12/20/2005 08:51 AM -----



Marc Edwards
<edwardsm@vt.edu>
12/18/2005 01:52 PM

To Stephanie Flaharty/DC/USEPA/US@EPA
cc
Subject Re: FOIA Request # HQ-RIN-01812-05 Revised from Mr.
Marc Edwards - Assurance of Payment

Dear Stephanie:

This letter is written in reference to my FOIA request # HQ-RIN-01812-05 Revised from Mr. Marc Edwards. The specific goal of this request is to ask consideration of waiving fees.

I am a Professor of Civil Engineering at Virginia Tech, where I publish scholarly work on the issue of lead in drinking water. The primary project I am currently working on, and which the above request is designed to support, is a book on EPA's handling of the Washington DC "Lead Crisis." Over the years I have published over 75 peer reviewed Journal articles and given hundreds of public presentations, a record that demonstrates my ability to disseminate scholarly research results. In March 2004 I testified to Congress on the EPA handling of the "Lead Crisis," and I have given more than 10 public presentations disseminating my findings to date. Thus, this particular request is made as part of my academic work at Virginia Tech and the results are not for commercial use. I have also recently written a letter to Congress disseminating some of my findings from FOIA searches thus far.

I have already agreed to pay the fees for this request. I did not initially request a fee waiver because I did not fully understand the circumstances of eligibility, nor did I understand that fees are routinely waived for work done in the public interest and in the course of academic work. I also did not want to cause any delay in the processing of my request filed last August, since I personally felt it qualified for expedited handling given my primary duties in disseminating information and urgency to inform the public about dangers from lead in their drinking water, and I did not want to delay the process. However, I have now learned that the process is an incredibly slow one, as I have not yet received a word of test from this request since it was filed last August. I am filing this request for a fee waiver now because I have just become aware that the work I am doing does qualify. I have also been disappointed that the agency has not been able to provide me documents in electronic format as per my numerous requests. It is my opinion that this un-necessarily drives up costs to me, and it has made the process more expensive than I anticipated.

Please contact me at (540) 231-7236 if you should like to discuss this request further, or if there is anything else I need to do to apply for the fee waiver. I understand I still have to pay for copies.

Sincerely,

*Marc Edwards
Charles Lunsford Professor of Civil Engineering*

At 09:39 AM 10/14/2005, Marc Edwards wrote:

I guess it will make sense to me when I get the final detailed bill, since I agree there is likely a lot of duplication.

This e-mail assures payment to the \$14,849 level.

On the basis of what you provided, and some new information I have discovered, I do not need the "e-mails" that turned up with the keyword "Cadmus" after 8/10/2004 from either Jeff Kempic or Eric Burneson. That should slightly reduce the burden on the individuals involved. I still want all e-mails indicated from King and Dougherty, and I still want the e-mails from before 8/10/2004 with the keyword Cadmus from Kempic or Burneson.

Thanks very much for your hard work. I admit to the likelihood of being crazy...but I am not unappreciative.

Also, to re-iterate so there is no misunderstandings...I am requesting and I believe I am entitled to electronic copies. My assumption is that the records will be provided in some kind of easily readable format like a text file or WORD or something, and on some media like a CD-ROM. I also **do not want to be provided any attachments to the e-mails** at this time.

Let me know if you should have any further questions.

Regards,
Marc

At 06:07 PM 10/13/2005, you wrote:

Marc,

Here's the tally of emails by categories and keywords that you requested. Let me know what you would like to do. Without attachments your cost at this point would be on the low end of \$14,849, but please note that there may be duplicate emails in this tally (because of more than one keyword that could appear in the same email). We will not know the exact amount until we review each email.

Steph
564-5072

(Embedded image moved to file: pic11369.jpg)

Marc Edwards
<edwardsm@vt.edu
>

To

Stephanie
10/13/2005 11:35 AM Flaharty/DC/USEPA/US@EPA
cc

Subject

Re: FOIA Request #
HQ-RIN-01812-05 Revised from Mr.
Marc Edwards - Assurance of
Payment

Stephanie,



Mary Powers/DC/USEPA/US

01/10/2006 02:15 PM

To Diane Jones/DC/USEPA/US@EPA, Stephanie Flaharty/DC/USEPA/US@EPA

cc

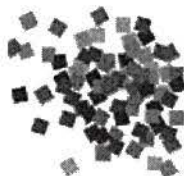
bcc

Subject Re: Fw: FOIA Request # HQ-RIN-01812-05 Revised from Mr. Marc Edwards - Assurance of Payment

I talked to Larry about this and he said the FW should be denied because the requester needs to ask upfront. Please don't tell the requester this, because Larry wants me to write a letter with appeal rights and he will approve it. I hope to get that done by tomorrow. thanks.

Mary Katherine Powers
Records, FOIA, and Privacy Branch
Office of Environmental Information
Phone (202) 566-1670

Diane Jones/DC/USEPA/US



Diane Jones/DC/USEPA/US

01/10/06 08:42 AM

To Mary Powers/DC/USEPA/US@EPA

cc

Subject Fw: FOIA Request # HQ-RIN-01812-05 Revised from Mr. Marc Edwards - Assurance of Payment

Good morning Mary,

Happy New Year.

Attached is a fee waiver request for the above FOIA for consideration.

Diane C. Jones
OW FOIA Coordinator
OW Correspondence Team Leader
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (4101M)
Room 3311-V EPA East Building
Washington, DC 20460-0001
(202) 564-0379
(202) 564-0500 (FAX)
E-mail: Jones.Diane@epa.gov

----- Forwarded by Diane Jones/DC/USEPA/US on 01/10/2006 08:40 AM -----



Stephanie Flaharty/DC/USEPA/US

12/20/2005 08:53 AM

To Diane Jones/DC/USEPA/US@EPA

cc

Subject Fw: FOIA Request # HQ-RIN-01812-05 Revised from Mr. Marc Edwards - Assurance of Payment

Morning Diane,

Please forward this waiver request to our FOIA office. Note that Mr. Edwards originally agreed to pay the estimated \$14,829 fees (see below).

Thanks,
Steph

----- Forwarded by Stephanie Flaharty/DC/USEPA/US on 12/20/2005 08:51 AM -----



Marc Edwards
<edwardsm@vt.edu>
12/18/2005 01:52 PM

To Stephanie Flaharty/DC/USEPA/US@EPA
cc
Subject Re: FOIA Request # HQ-RIN-01812-05 Revised from Mr.
Marc Edwards - Assurance of Payment



Mary Powers/DC/USEPA/US

01/18/2006 03:39 PM

To Diane Jones/DC/USEPA/US@EPA, Stephanie
Flaharty/DC/USEPA/US@EPA

cc

bcc

Subject FW denial for HQ-RIN-01812-05 scanned into
correspondence log


please look at it and let me know if you have any questions. If you want the exact place in which the regs say that the FW request must be submitted at the time of the initial FOIA, let me know and I'll send it to you.

thanks.

Mary Katherine Powers
Records, FOIA, and Privacy Branch
Office of Environmental Information
Phone (202) 566-1670



**Stephanie
Flaharty/DC/USEPA/US**
02/06/2006 09:58 AM

To Mary Powers/DC/USEPA/US@EPA
cc Diane Jones/DC/USEPA/US@EPA
bcc
Subject Re: Case Assignment (HQ-RIN-00769-06) 

Hi Mary,


Thanks. Based on your guidance below, I do not believe that our response charges will be over \$14.

Stephanie Flaharty
Senior Regulations Manager
Office of Ground Water and Drinking Water
202.564.5072

Mary Powers/DC/USEPA/US



Mary Powers/DC/USEPA/US
02/06/2006 09:53 AM

To Stephanie Flaharty/DC/USEPA/US@EPA
cc Diane Jones/DC/USEPA/US@EPA
Subject Re: Case Assignment (HQ-RIN-00769-06) 

Hello,

Sorry for the delay. I talked with Larry and he said that we can tell Mr. Edwards that we assume he does not need emails to and from him. Regarding internal emails, Larry said that they need to be processed. Each one needs to be examined to determine if it is releasable, or if it falls under exemption 5. If you have any questions, please let me know.


thanks.

Mary Katherine Powers
Records, FOIA, and Privacy Branch
Office of Environmental Information
Phone (202) 566-1670

Stephanie Flaharty/DC/USEPA/US



**Stephanie
Flaharty/DC/USEPA/US**
02/06/06 09:22 AM

To Diane Jones/DC/USEPA/US@EPA
cc Mary Powers/DC/USEPA/US@EPA
Subject Re: Case Assignment (HQ-RIN-00769-06) 

Diane,

I'm still waiting to hear back from Mary Powers with direction regarding this FOIA request. Mary

responded back on 2/1/06 that she would look into my question. I don't know how to respond to this without Mary's direction.

Steph
564-5072

Diane Jones/DC/USEPA/US@EPA



Diane
Jones/DC/USEPA/US@EPA
02/06/2006 07:31 AM

To Stephanie Flaharty/DC/USEPA/US@EPA
cc
Subject Case Assignment (HQ-RIN-00769-06)

Case 'HQ-RIN-00769-06' has been assigned to You.

Details:

Request Type : FOIA/PA
Requested By : Edwards, Marc
Requested Date : 1/31/2006
Primary User : Flaharty, Stephanie

Comments:

OGWDW is the lead. Coordinate with Mary Powers in OEI-FOIA. Please let Mary Powers know if this is a billable request no later than Wed., February 8, 2006.

20



**Stephanie
Flaharty/DC/USEPA/US**
02/06/2006 09:22 AM

To Diane Jones/DC/USEPA/US@EPA
cc Mary Powers/DC/USEPA/US@EPA
bcc
Subject Re: Case Assignment (HQ-RIN-00769-06)

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Steph
564-5072

Diane Jones/DC/USEPA/US@EPA



**Diane
Jones/DC/USEPA/US@EPA**
02/06/2006 07:31 AM

To Stephanie Flaharty/DC/USEPA/US@EPA
cc
Subject Case Assignment (HQ-RIN-00769-06)

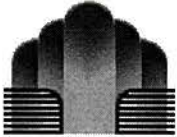
Case 'HQ-RIN-00769-06' has been assigned to You.

Details:

Request Type : FOIA/PA
Requested By : Edwards, Marc
Requested Date : 1/31/2006
Primary User : Flaharty, Stephanie

Comments:

OGWDW is the lead. Coordinate with Mary Powers in OEI-FOIA. Please let Mary Powers know if this is a billable request no later than Wed., February 8, 2006.



Mary Powers/DC/USEPA/US

02/01/2006 02:53 PM

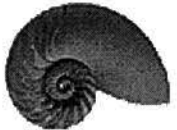
To Stephanie Flaharty/DC/USEPA/US@EPA
cc Diane Jones/DC/USEPA/US@EPA, Richard
Vanholt/R3/USEPA/US
bcc
Subject Re: Communications with Region 3 regarding
HQ-RIN-02104-05 (information on 40 ppb lead level)

Hello,

I don't know the answer to your question. I will check with Larry and figure it out. thanks.

Mary Katherine Powers
Records, FOIA, and Privacy Branch
Office of Environmental Information
Phone (202) 566-1670

Stephanie Flaharty/DC/USEPA/US



**Stephanie
Flaharty/DC/USEPA/US**

02/01/06 02:37 PM

To Mary Powers/DC/USEPA/US@EPA
cc Diane Jones/DC/USEPA/US@EPA, Richard
Vanholt/R3/USEPA/US
Subject Re: Communications with Region 3 regarding
HQ-RIN-02104-05 (information on 40 ppb lead level)

Mary,

I've been the only OGWDW point-of-contact for these two FOIAs. As you noted below, I did contact Region 3 on HQ-RIN-02104-05. My question to you is: Do you have to submit internal emails on our working responses to these FOIAs? I also have many emails to and from Mr. Edwards regarding the progress on each of these FOIAs.

Thanks,
Steph Flaharty
202-564-5072

Mary Powers/DC/USEPA/US



Mary Powers/DC/USEPA/US

02/01/2006 01:29 PM

To Diane Jones/DC/USEPA/US@EPA, Stephanie
Flaharty/DC/USEPA/US@EPA
cc Richard Vanholt/R3/USEPA/US
Subject Communications with Region 3 regarding HQ-RIN-02104-05
(information on 40 ppb lead level)

The original request was sent to HQ on 9/29/05 and assigned HQ-RIN-02104-05. My understanding was that Region 3 searched for emails on this request and worked with Stephanie Flaharty and perhaps Diane Jones of OW. Richard Van Holt, Region 3 FOIA Officer, searched for a record of Region 3 emails on this subject, but did not find one, nor could he locate a Region 3 RIN for this FOIA.

An 11/29/05 email from Ms. Flaharty to Mr. Edwards says the following:

"In addition, I contacted Region 3 and asked for a confirmation that they were not withholding any emails. Region 3 has responded and confirmed that they do not have any emails that they are withholding and I have not been able to locate any other email on the referenced posting. Evidently, the invalid reference was erroneously added to the Web site excerpt from the preamble to the June 27, 1991 Lead and Copper final rule without being scientifically vetted, as I first mentioned in my November 16, 2005, email."

I need to know who was contacted in Region 3 for HQ-RIN-02104-05. The reason for this is that Mr. Edwards has sent another FOIA asking for all EPA communications regarding HQ-RIN-01812-05 and HQ-RIN-02104-05, and I need to know who to list in Region 3 for 2104, so that my special instructions can be as specific as possible. I believe that HQ-RIN-01812-05 only involved HQ personnel. For 2104 HQ, I will assign to OW and let you work it out regarding communications.

thanks.

Mary Katherine Powers
Records, FOIA, and Privacy Branch
Office of Environmental Information
Phone (202) 566-1670



**Diane
Jones/DC/USEPA/US@EPA**

02/06/2006 07:31 AM

To Stephanie Flaharty/DC/USEPA/US@EPA

cc

bcc

Subject Case Assignment (HQ-RIN-00769-06)

Case 'HQ-RIN-00769-06' has been assigned to You.

Details:

Request Type : FOIA/PA
Requested By : Edwards, Marc
Requested Date : 1/31/2006
Primary User : Flaharty, Stephanie

Comments:

OGWDW is the lead. Coordinate with Mary Powers in OEI-FOIA. Please let Mary Powers know if this is a billable request no later than Wed., February 8, 2006.



Stephanie
Flaharty/DC/USEPA/US
02/01/06 02:37 PM

To Mary Powers/DC/USEPA/US@EPA
cc Diane Jones/DC/USEPA/US@EPA, Richard
Vanholt/R3/USEPA/US
bcc
Subject Re: Communications with Region 3 regarding
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Thanks,
Steph Flaharty
202-564-5072

Mary Powers/DC/USEPA/US



Mary Powers/DC/USEPA/US
02/01/2006 01:29 PM

To Diane Jones/DC/USEPA/US@EPA, Stephanie
Flaharty/DC/USEPA/US@EPA
cc Richard Vanholt/R3/USEPA/US
Subject Communications with Region 3 regarding HQ-RIN-02104-05
(information on 40 ppb lead level)

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thanks.

22

MODE = MEMORY TRANSMISSION

START=AUG-12 08:42

END=AUG-12 08:43

FILE NO.=387

STN NO. COMM. ABBR NO. STATION NAME/TEL NO. PAGES DURATION
001 OK 95662147 002/002 00:00:21

***** - ***** - *****

FACSIMILE TRANSMITTAL SHEET
OFFICE OF GROUND WATER AND DRINKING WATER
OFFICE OF WATER
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
1200 PENNSYLVANIA AVENUE, NW (MC 4601M)
WASHINGTON, DC 20460

TELEPHONE : (202) 564-3750 / FAX : (202)-564-3753

TO: <i>Larry Gottesman</i>	FROM: <i>Steph Flaherty</i>
OFFICE: <i>Foia</i>	DATE: <i>8/12/05</i>
FAX NUMBER: <i>564-2147</i>	Total No. of Pages Including Cover: <i>2</i>
Phone Number: <i>564-2162</i>	SUBJECT: <i>HQ-RIN-01B12-05 (Edwards)</i>
<input type="checkbox"/> URGENT <input checked="" type="checkbox"/> FOR REVIEW <input checked="" type="checkbox"/> PLEASE COMMENT <input type="checkbox"/> PLEASE REPLY <input type="checkbox"/> PLEASE RECYCLE	
FOR VERIFICATION, PLEASE CALL: (202) 564-3750	
* Cost Est. Attached	
NOTES/COMMENTS: <i>D In responding to the requestor that this is "unduly burdensome" should we ask him if he wants to specify a topic?</i> <i>Pls. advise</i> <i>get the info that you need.</i> <i>202-564-5092</i>	

Do actual
cost
X amount of
time
for one
person
Try to
narrow the
scope
Lighten the
burden

FACSIMILE TRANSMITTAL SHEET
OFFICE OF GROUND WATER AND DRINKING WATER
OFFICE OF WATER
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
1200 PENNSYLVANIA AVENUE, NW (MC 4601M)
WASHINGTON, DC 20460

TELEPHONE : (202) 564-3750 / FAX : (202)-564-3753

TO: <i>Larry Gottesman</i>	FROM: <i>Steph Flaherty</i>
OFFICE: <i>Foia</i>	DATE: <i>8/12/05</i>
FAX NUMBER: <i>566-2147</i>	Total No. of Pages including Cover: <i>2</i>
Phone Number: <i>566-2162</i>	SUBJECT: <i>HQ-RIN-01812-05 (Edwards)</i>
<input type="checkbox"/> URGENT <input checked="" type="checkbox"/> FOR REVIEW <input checked="" type="checkbox"/> PLEASE COMMENT <input checked="" type="checkbox"/> PLEASE REPLY <input type="checkbox"/> PLEASE RECYCLE	
FOR VERIFICATION, PLEASE CALL: (202) 564-3750	
<i>* Cost Est. Attached</i>	
NOTES/COMMENTS: <i>1) In responding to the requestor that this is "unduly burdensome" should we ask him if he wants to specify a topic?</i> <i>P.s. advise</i> <i>Inv Steph</i> <i>202-564-5072</i>	



Mary Powers/DC/USEPA/US

08/09/2005 08:39 AM

To Stephanie Flaharty/DC/USEPA/US@EPA

cc

bcc

Subject Fw: your FOIA request for emails to and from EPA OGWDW employees

The requester said that he is interested in all emails from the 4 individuals; however, I could email him again just to make sure he does not have specific topics in mind. let me know.

Mary Katherine Powers
Records, FOIA, and Privacy Branch
Office of Environmental Information
Phone (202) 566-1670

----- Forwarded by Mary Powers/DC/USEPA/US on 08/09/05 08:38 AM -----



Marc Edwards

<edwardsm@vt.edu>

08/08/05 03:37 PM

To Mary Powers/DC/USEPA/US@EPA

cc

Subject Re: your FOIA request for emails to and from EPA OGWDW employees

Yes.

Marc Edwards
Charles Lunsford Professor of Civil Engineering

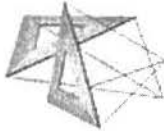
At 02:45 PM 8/8/2005, Powers.Mary@epamail.epa.gov wrote:

>The EPA received your FOIA request regarding emails related to 4 OGWDW
>employees. It appears that you are interested in receiving electronic
>copies of ALL email records from the four EPA staff from 6/1/2002 to
>present. Please confirm that this is the case. Thank you.

>

>Mary Katherine Powers
>Records, FOIA, and Privacy Branch
>Office of Environmental Information
>Phone (202) 566-1670

①



**Steven
Hennigh/DC/USEPA/US**
03/26/2004 03:18 PM

To: Sherri Umansky/DC/USEPA/US@EPA
Veronica Blette/DC/USEPA/US@EPA, Phill
cc: Searce/DC/USEPA/US@EPA, Lisa
Donahue/R3/USEPA/US@EPA
bcc:
Subject: Fw: Lead website changes

Sherri,

These edits for the lead pages have been completed.

<http://www.epa.gov/safewater/lead/schoolanddccc.htm>
<http://www.epa.gov/safewater/lead/excerptfrom58.htm>

Steve

~~~~~  
Steve Hennigh  
Computer Sciences Corporation (CSC)  
Contractor to the U.S. EPA  
tel: 202-741-4365  
~~~~~

Sherri Umansky
03/26/2004 12:46 PM

To: Steven Hennigh/DC/USEPA/US@EPA
cc: Veronica Blette/DC/USEPA/US@EPA, Phill
Searce/DC/USEPA/US@EPA, Lisa Donahue/R3/USEPA/US@EPA
Subject: Lead website changes

Hi Steven,
I have a few more changes to the lead websites.

On this page: www.epa.gov/safewater/schoolsanddccc.htm:

- 1) Paragraph 3. Please remove the sentence that begins, "Also, 40 ppb of lead...."
- 2) Please change this link: www.nsf.org/dwa/dwa_usepa.html to
http://www.nsf.org/business/water_distribution/dwa_usepa.asp

On this page: www.epa.gov/safewater/lead/excerptfrom58.htm:

- 1) Please take out header, ".40 ppb for Immediate Action" and the paragraph that follows.
- 2) Please take out the quotation marks that begin the second paragraph and end the third paragraph, because now, all the contents from the page will be actual excerpts.

Thank you!

Sherri Umansky
Environmental Protection Specialist/Outreach Team
EPA/Office of Ground Water and Drinking Water
(202) 564-4639
(202) 564-3757 (fax)
umansky.sherri@epa.gov

"A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise." Aldo Leopold, A Sand County Almanac



Stephanie
Flaharty/DC/USEPA/US

11/14/2005 01:07 PM

To: Richard Vanholt/R3/USEPA/US

cc: Lisa Donahue/R3/USEPA/US@EPA

bcc:

Subject: Re: Urgent Attention needed for FOIA Request
HQ-RIN-02104-05 [Edwards]

Richard,

Please note Lisa Donahue's referral to you on the subject FOIA. Please give me a call to discuss Region 3's response.

Stephanie Flaharty
Senior Regulations Manager
Office of Ground Water and Drinking Water
202.564.5072

*No - should go to Regional
Counsel per Richard
Vanholt.
215-814-5553*

Loi. Kier

Lisa Donahue/R3/USEPA/US



Lisa Donahue/R3/USEPA/US

11/14/2005 12:52 PM

To: Stephanie Flaharty/DC/USEPA/US@EPA

cc:

Subject: Re: Urgent Attention needed for FOIA Request
HQ-RIN-02104-05 [Edwards]

Stephanie,

I am working from home today, and will have to check my records in the office. I know the origin of the statement, and information on how it got on the web page. However, I will have to have the information checked internally to see what is FOIA exempt (deliberative and/or enforcement confidential.) Since this will not be a simple matter, I suggest you contact our FOIA officer, Richard Van Holt, so the request can be tracked appropriately in Region III. In the meantime, perhaps you can get an extension from the requestor. (is it Marc Edwards?)

Lisa

-----Stephanie Flaharty/DC/USEPA/US wrote: -----

To: Lisa Donahue/R3/USEPA/US@EPA, Christine Dibble/DC/USEPA/US@EPA, Jeffrey
Levy/DC/USEPA/US@EPA
From: Stephanie Flaharty/DC/USEPA/US
Date: 11/14/2005 10:49AM
Subject: Urgent Attention needed for FOIA Request HQ-RIN-02104-05 [Edwards]

Please note, recent research in response to the subject FOIA has prompted us to ask you to search your records for any reference to the FOIA request, as follows:

"In late 2002 there was an EPA Web page that indicated lead levels above 40 ppb posed an imminent and substantial danger to pregnant women and children. This might have been the original link:
<http://www.epa.gov/safewater/standard/lead&cop.html>.

My searches [sic] can no longer find this wording. Other researchers also saw this web page and

wording (it was also referred to in Ellen Silbergeld testimony to Congress last year).

I would like copies (electronic [s/c], if possible) of any documentation regarding 1) the original web page, 2) any background information on how this statement was first posted, 3) the date it was removed, 4) the date it was first posted, Also, 5) any written documentation discussing why it was removed, and why this explicit language no longer seems publicly available."

Note: Point of reference for items no. 3 and 4 see email attached below:

Our response is past due, so we need a quick turnaround if possible. Thanks for your assistance!

Stephanie Flaharty
Senior Regulations Manager
Office of Ground Water and Drinking Water
202.564.5072

Sherri
Umansky/D
C/USEPA/
US
03/26/2004
12:46 PM

ToSteven Hennigh/DC/USEPA/US

ccVeronica Blette/DC/USEPA/US@EPA, Phill
Scearce/DC/USEPA/US@EPA, Lisa
Donahue/R3/USEPA/US@EPA

SubjectLead website changes

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- 1) Paragraph 3. Please remove the sentence that begins, "Also, 40 ppb of lead...."
- 2) Please change this link: www.nsf.org/dwa/dwa_usepa.html to
http://www.nsf.org/business/water_distribution/dwa_usepa.asp

On this page: www.epa.gov/safewater/lead/excerptfrom58.htm:

- 1) Please take out header, ".40 ppb for Immediate Action" and the paragraph that follows.
- 2) Please take out the quotation marks that begin the second paragraph and end the third paragraph, because now, all the contents from the page will be actual excerpts.

Thank you!

Sherri Umansky
Environmental Protection Specialist/Outreach Team
EPA/Office of Ground Water and Drinking Water
(202) 564-4639
(202) 564-3757 (fax)
umansky.sherri@epa.gov

**Sherri
Umansky/DC/USE
PA/US**
11/10/2005 03:16
PM

ToStephanie Flaharty/DC/USEPA/US@EPA

cc

SubjectFw: your web page

Sherri Umansky
Environmental Protection Specialist/Outreach Team
EPA/Office of Ground Water and Drinking Water
(202) 564-4639
(202) 564-3757 (fax)
umansky.sherri@epa.gov

----- Forwarded by Sherri Umansky/DC/USEPA/US on 11/10/2005 03:16 PM -----

**Sherri
Umansky/DC/USE
PA/US**
05/21/2002 04:16
PM

ToLisa Donahue/R3/USEPA/US

ccPhill Searce/DC/USEPA/US@EPA

SubjectRe: your web page

Great! I will get the signatures from HQ folks and we'll get it posted!

Lisa Donahue

Lisa Donahue
05/21/02 03:54
PM

To: Sherri
Umansky/DC/USEPA/US@EPA

cc:

Subject: Re: your web page

Hi Sherri,

Here's the form. I wasn't sure who to put for the first 2 lines, since I'm not in OGWDW... Both my BRanch Chief (Karen) and Office Director (David McGuigan) have seen the pages. Also, the pages have been through both regional and HQ Product Review (Larry Teller is regional coordinator of this) . Since it's already on the intranet, I'm hoping that the transition can go smoothly, and I included the contact name of the technical person who actually did the html and template formatting.

specific to you: I did include the 'top page' which is the one that you wrote primarily (modifying "Lead in Your DW". I'm not sure what you want to do with that....

Please let me know if I need anything else, like official signatures...

thanks!
Lisa

Sherri Umansky

Sherri Umansky
05/13/2002 04:12
PM

To: Lisa
Donahue/R3/USEPA/US@EPA
cc:
Subject: your web page

Hi Lisa,

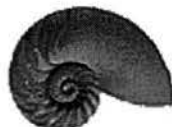
I spoke with Charlene Shaw, who was on vacation last week, about the process for posting your document from the HQ page. She said as long as it's written generally enough to apply nationally (which it is), and it's been through product review in your region (which I assume it has), it should be fine. You'll need to fill out the attached form about where it should go on the page and any web related specifications. Return it to me by e-mail, along with any links, and I'll run it through the HQ signature chain, and we'll post it.

I have a draft of the complete script that I am working with mgt. here to identify a review process for EPA and outside folks. Mostly to take a look at the health effects language, so that if an expert we've filmed has said something differently from how EPA would say it, policy-wise, we can have the narrator put it into context. More info soon....

Sherri



internetform Pb in DW.wpd internetform.WPD



**Stephanie
Flaharty/DC/USEPA/US**
11/15/2005 08:55 AM

To Carrie Wehling/DC/USEPA/US
cc
bcc
Subject Fw: Lead Changes in March 2004

----- Forwarded by Stephanie Flaharty/DC/USEPA/US on 11/15/2005 08:55 AM -----

**Phill
Scearce/DC/USEPA/US**
11/10/2005 04:11 PM

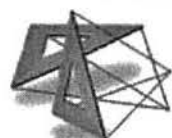
To Stephanie Flaharty/DC/USEPA/US@EPA
cc
Subject Lead Changes in March 2004

----- Forwarded by Phill Scearce/DC/USEPA/US on 11/10/2005 04:11 PM -----

----- Forwarded by Phill Scearce/DC/USEPA/US on 06/02/2004 11:16 AM -----

----- Forwarded by Phill Scearce/DC/USEPA/US on 11/10/2005 04:11 PM -----

----- Forwarded by Phill Scearce/DC/USEPA/US on 11/10/2005 04:11 PM -----



**Steven
Hennigh/DC/USEPA/US**
03/18/2004 03:51 PM

To Sherri Umansky/DC/USEPA/US@EPA
cc Jeanne Campbell/DC/USEPA/US@EPA, Phill
Scearce/DC/USEPA/US@EPA
Subject Re: Thanks, one more, please....

Sherri,

This is completed.

Steve

~~~~~  
Steve Hennigh  
Computer Sciences Corporation (CSC)  
Contractor to the U.S. EPA  
tel: 202-741-4365  
~~~~~

Sherri Umansky

Sherri Umansky
03/18/2004 03:44 PM

To: Steven Hennigh/DC/USEPA/US@EPA
cc: Jeanne Campbell/DC/USEPA/US@EPA, Phill
Scearce/DC/USEPA/US@EPA
Subject: Thanks, one more, please....

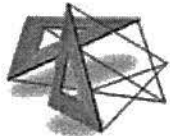
Thanks, I have one more for you:

On this page: www.epa.gov/safewater/mcl.html,

Under Lead, where it now links to the consumer fact sheet, can you change that link to:
www.epa.gov/safewater/lead/index.html

Sherri

----- Forwarded by Phill Searce/DC/USEPA/US on 11/10/2005 04:11 PM -----



**Steven
Hennigh/DC/USEPA/US**
03/26/2004 03:18 PM

To: Sherri Umansky/DC/USEPA/US@EPA
Veronica Blette/DC/USEPA/US@EPA, Phill
cc: Searce/DC/USEPA/US@EPA, Lisa
Donahue/R3/USEPA/US@EPA
Subject: Fw: Lead website changes

Sherri,

These edits for the lead pages have been completed.

<http://www.epa.gov/safewater/lead/schoolanddccc.htm>
<http://www.epa.gov/safewater/lead/excerptfrom58.htm>

Steve

~~~~~  
Steve Hennigh  
Computer Sciences Corporation (CSC)  
Contractor to the U.S. EPA  
tel: 202-741-4365  
~~~~~

Sherri Umansky

03/26/2004 12:46 PM

To: Steven Hennigh/DC/USEPA/US@EPA
cc: Veronica Blette/DC/USEPA/US@EPA, Phill
Searce/DC/USEPA/US@EPA, Lisa Donahue/R3/USEPA/US@EPA
Subject: Lead website changes

Hi Steven,
I have a few more changes to the lead websites.

On this page: www.epa.gov/safewater/schoolsanddccc.htm:

- 1) Paragraph 3. Please remove the sentence that begins, "Also, 40 ppb of lead...."
- 2) Please change this link: www.nsf.org/dwa/dwa_usepa.html to
http://www.nsf.org/business/water_distribution/dwa_usepa.asp

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- 1) Please take out header, ".40 ppb for Immediate Action" and the paragraph that follows.
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Thank you!

Sherri Umansky
Environmental Protection Specialist/Outreach Team
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(202) 564-3757 (fax)
umansky.sherri@epa.gov

"A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise." Aldo Leopold, A Sand County Almanac

----- Forwarded by Phill Searce/DC/USEPA/US on 11/10/2005 04:11 PM -----



**Stephanie
Flaharty/DC/USEPA/US**

11/15/2005 09:03 AM

To Carrie Wehling/DC/USEPA/US

cc

bcc

Subject Fw: Lead Webpage from 12/02/02 Archive

Carrie,

FYI, as of December 2, 2002, the "lead7cop.html" site showed 15 ppb.

----- Forwarded by Stephanie Flaharty/DC/USEPA/US on 11/15/2005 09:03 AM -----



Phill Searce/DC/USEPA/US

11/10/2005 04:07 PM

To Stephanie Flaharty/DC/USEPA/US@EPA

cc

Subject Lead Webpage from 12/02/02 Archive

These files are archives from my archive disc dated: Dec 02, 2002

The location was: safewater/standard/



lead&co1.html



lead&cop.html

Phill Searce
US EPA/OW/OGWDW/DWPD/IB
Mail Code 4606-M
Washington, DC 20460
202-564.4634
202.564.3757 (fax)
Searce.Phill@epa.gov
<http://www.epa.gov/safewater/>

Delivery Address for Courier or Overnight Delivery:
1201 Constitution Avenue NW, Room 2416 J
Washington, DC 20460

"To those who care about punctuation, a sentence such as "Thank God Its Friday" (without the apostrophe) rouses feelings not only of despair but of violence. The confusion of the possessive 'its' with the contractive 'it's' is an unequivocal signal of illiteracy and sets off a simple Pavlovian 'kill' response in the average stickler.....If you still persist in writing 'Good food at it's best', you deserve to be struck by lightning, hacked up on the spot, and buried in an unmarked grave."

-- Lynne Truss

"If the path before you is clear it is someone else's path."

--- Joseph Campbell

"What comes out in the end is the result of the discarded finds."

--- Pablo Picasso



U.S. Environmental Protection Agency

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Lead & Copper Frequently Asked Questions: Safe Drinking Water Act 1996 Amendments and the NSF Standard

1. Is there any law or regulation for lead in drinking water?

Yes. The National Primary Drinking Water Regulations (NPDWR) for Lead and Copper, 40 CFR Parts 401 and 142, promulgated in 1991, established an action level of 15 parts per billion (ppb) for lead in drinking water.

Compliance with the action level is determined by measuring the concentration of lead in a number of samples collected at the consumer's tap. The lead action level is exceeded if the concentration of lead in more than 10 percent of tap water samples is greater than 15ppb.

2. What are the sources of lead in drinking water?

Lead in drinking water results primarily from corrosion of materials containing lead installed in building plumbing such as lead solder, brass, bronze and other alloys containing lead in contact with the water. The amount of lead attributable to corrosion by-products in the water depends on a number of factors, including the amount and age of lead bearing materials susceptible to corrosion, the way they were manufactured, how long the water is in contact with the lead-containing surfaces, and how corrosive the water is towards these materials. The corrosivity of water is influenced by a number of factors, including acidity, alkalinity, dissolved solids and hardness. In general, soft acidic waters are more corrosive to lead than hard waters.

3. Is there any law or regulation limiting lead content in pipe, plumbing fittings, fixtures, faucets, solder and flux?

Yes. Section 1417(a)(1) of the Safe Drinking Water Act (SDWA) requires that after June 19, 1986 only "lead free" pipe, solder or flux may be used in the installation or repair of (1) Public Water Systems, or (2) any plumbing in residential or non-residential facility providing water for human consumption, which is connected to a Public Water System. Under section

1417(d), "lead free" as defined in the SDWA means that solders and flux may not contain more than 0.2 percent lead, and pipes, pipe fittings, and well pumps may not contain more than 8.0 percent lead.

4. How can I tell if a faucet or plumbing device contains more than 8% lead?

In general, plumbing products that are on the market contain 8% or less lead. The amount of lead contained in the plumbing product is usually governed by its manufacturing process. In order to find out how much lead is contained in a plumbing product, you should contact the manufacturer or the importer/distributor and ask for a certificate of lead content. Another approach is to send the plumbing product to a laboratory and have it analyzed for lead content. However this approach may not be practical since the cost of the test could be several times of the purchase price the product.

5. Can "lead-free" plumbing fixtures or devices leach lead?

Yes, as noted in response to Question 2, any plumbing device or fixture that contains lead and is in contact with the water is a potential source of contamination. Brass fittings and plumbing fixtures, containing 8% or less lead, have been found to contribute high lead levels for a considerable period of time after their installation, even in cases where these devices are in contact with relatively non-corrosive waters. The amount of lead that may leach into the water from a brass faucet or fixture is not solely related to the amount of lead contained in the alloy. The amount of lead leaching from a brass alloy is greatly influenced by the manufacturing process.

6. Is there a performance standard limiting the leaching of lead into drinking water from faucets, fittings, fixtures, pipes and plumbing devices?

A voluntary standard, NSF International's consensus Standard 61, (ANSI/NSF Standard 61: Drinking Water System Components-Health Effects), including inline and endpoint devices has been established. The criteria for lead in the NSF Standard limits the amount of lead that can leach into the water from a particular product. The standard does not specify the lead content in that product. Devices that are made of brass alloys that contain lead may be certified if they pass the performance test prescribed by the standard. Some manufacturers modified their manufacturing processes to meet the NSF Standard.

NSF Standard 61, section 9 covers endpoint devices. The NSF Standard defines endpoint devices as mechanical plumbing devices, components, and materials which are typically installed within the last liter of the distribution system and are intended by the manufacturer to dispense water for human ingestion. The devices include kitchen and bar faucets, lavatory faucets, water dispensers, drinking fountains, water coolers, glass fillers, residential refrigerator ice makers, supply stops and endpoint control valves.

NSF Standard 61, section 8 covers mechanical devices which include inline devices in building distribution systems including any device that is used to measure or control the flow of water that is used in treatment/ transmission distribution systems, and is in contact with the water intended for human ingestion. Inline devices in a building used to measure or control the flow of water include water meters, building valves, check valves, meter stops, valves and fittings backflow preventers, etc. The NSF Standard defines inline devices as any device installed on a service line or building distribution system downstream of the water main and before endpoint devices.

NSF Standard 61, Section 4 covers pipes, fittings and small drinking water storage devices having domestic or residential applications including the products or water contact materials of: pipes, fittings, tubing, hoses, well casing, drop pipes and screens etc.

7. How does NSF Standard 61, Section 9 relate to the definition of lead free?

NSF Standard 61, Section 9 relates to the amount of lead leached from a product while the definition of "lead free" for pipe and pipe fitting corresponds to a maximum of 8% lead content. By amending Section 1417 of the SDWA, Congress incorporated a performance standard into the law for endpoint devices intended to "dispense water for human consumption." Section 1417(e) of the SDWA, states that "lead free" with regard to plumbing fittings and fixtures intended to dispense water for human consumption means those fittings and fixtures that are in compliance with a voluntary standard established pursuant to the Act. The reason for this requirement by Congress, EPA believes, was that some brass fittings and plumbing fixtures containing 8% or less lead have been found to contribute high lead levels for a considerable amount of time after their installation, even in contact with relatively non-corrosive waters. Because of low flow and infrequent usage, lead concentration levels in water in contact with endpoint devices dispensing water for human consumption were found to exceed the 15 ppb action level for lead, established by EPA in the Lead and Copper Rule.

8. Can an endpoint plumbing device meeting the 8 percent limitation specified by the SDWA, but not meeting an approved voluntary standard, such as the NSF Standard 61, Section 9, be used in the installation or repair of Public Water Supply Systems?

No. In order to be legally used in the installation or repair of Public Water Supply Systems, a product must be certified by an approved voluntary standard and meet the 8% "lead free criteria."

9. How much lead does the NSF Standard allow to be leached from endpoint devices?

The NSF Standard limits the amount of lead from endpoint devices to 11ppb

when normalized to 1 Liter. This approach is based on the 15ppb action level established in the Lead and Copper rule, considering the 11ppb lead contributed from the endpoint device as well as from sources other than the endpoint device, which is assumed to be 4ppb.

10. What is the NSF test procedure for endpoint devices?

The NSF test procedure requires that at least three endpoint devices be exposed to specially formulated water for a period of 19 days. On days 3, 4, 5, 10, 11, 12, 17, 18 and 19, water samples from the endpoint devices are collected. The observed lead dosage levels, (lead concentration times the volume of the endpoint device) normalized to 1 Liter are determined and statistically compared to the 11ppb limit.

11. Are inline devices regulated under the SDWA? Does the SDWA require inline devices to meet health effects based performance standards?

The SDWA prohibits the use of any pipe, any plumbing fitting or fixture that is not lead-free (containing more than 8% lead) in the installation or repair of any public water system or any plumbing in residential or non-residential facility providing water for human consumption, which is connected to a public water supply system.

However, there is no specific language in the SDWA which would require that inline devices meet health effects-based performance standards limiting the leaching of lead into the drinking water. Therefore, EPA has not recognized these standards as requirements for purposes of Section 1417 of the SDWA. Thus, while EPA encourages the industry to conform with these standards, the industry is not currently required to do so. However the absence of explicit statutory requirements that such devices comply with NSF Standard 61 does not preclude State or local governments from adopting such requirements.

In most instances, inline devices installed in building plumbing systems handle a large volume of water used for showering, laundry etc. compared to endpoint devices dispensing water for human consumption. Although some inline devices containing 8% or less lead may leach certain quantities of lead, the amount of lead leached out from these devices would generally be expected to be diluted to levels below those of concern by the relatively high volume of water passing through them.

12. How can I be sure that the faucet or plumbing device meets the NSF Standard?

Products certified against the NSF standard carry a certification mark of the certifying organization. NSF International and Underwriters Laboratories (UL) publish Listing books of products that they have tested and certified against the NSF Standard. Both organizations also maintain these Listings through their Internet sites. One can obtain Listing books from NSF

International at 1-800-NSF-MARK, or visit their website at <http://www.nsf.org>. One can contact UL at 847-272-8800 or visit their website at <http://www.ul.com>.

13. Which parties helped develop the NSF Standard?

The standard was developed using voluntary consensus process. All interested parties were represented, including regulatory agencies, industry, water suppliers, consultants, and other users of products covered by the standard.

14. Is NSF the only organization that can test against the Standard?

Any organization can test products against the NSF standard. NSF and UL are two organizations that are accredited by the American National Standards Institute to certify products against NSF Standard 61. Currently 29 states have regulations requiring products to meet NSF Standard 61 and all of these states require products to be Certified by an ANSI accredited certifier.

15. What is the deadline for selling non lead-free products?

The law prohibits any person from introducing into commerce any pipe, or plumbing fitting or fixture that is not lead free after August 6, 1998, except for a pipe that is used in manufacturing or industrial processing.

The term "introduce into commerce" means the time when the product is offered for sale in the wholesale and retail market. The law does not make any distinction between the wholesale and retail sales of these materials. Thus, the sale or distribution from inventory of any pipe, or any pipe or plumbing fitting or fixture, that is not lead free, is prohibited after the deadline established by the SDWA.

16. Does the exception for industrial and manufacturing processes apply to all such uses?

The exception applies to any process where the water conveyed by the plumbing or distribution system is not used directly or indirectly for human consumption.

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Last updated on Tuesday, November 26th, 2002

URL: <http://C%3A/Documents%20and%20Settings/epa/Local%20Settings/Temp/notesC9812B/lead%2526cop.html>



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Drinking Water Priority Rulemaking: Lead and Copper Rule - Minor Revisions

EPA has published minor revisions to the Lead and Copper Rule (LCR) that was promulgated June 7, 1991. The revisions address implementation problems and issues arising from legal challenges to the 1991 rule. They streamline and reduce monitoring and reporting burden.

[Link to fact sheet on minor revisions.](#)

Public Health Concerns

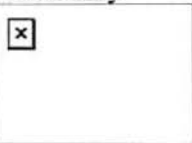
Lead poses a significant public health threat because it builds up in the body over many years and can cause damage to the brain, red blood cells and kidneys. The greatest risk is to young children and pregnant women. EPA estimates that approximately 20% of human exposure to lead is attributable to lead in drinking water. Copper is an essential nutrient, but at high doses it can cause stomach and intestinal distress, liver and kidney damage, and anemia. The goal of the rule is to provide maximum human health protection by reducing lead and copper levels at consumers' taps to as close to the MCLGs as is feasible. The minor revisions are necessary to promote effective implementation of the LCR.

Implementation Plans

The federal effective date is 90 days after the revisions are published in the *Federal Register*. Systems should check with their state primacy agencies because not all provisions may apply in their state. The existing Lead and Copper Rule is still enforceable. EPA will post guidance documents on this site as they become available.

Related Links

- [Effect of pH, DIC, Orthophosphate and Sulfate on Drinking Water Cuprosolvency \[EPA600/R-95/085, June 1995\]](#) Field data from various copper monitoring studies and Lead and Copper Rule compliance data are often inappropriate and misleading for reliably determining fundamental chemical relationships behind copper corrosion control. To address this deficiency, a comprehensive solubility model for copper in drinking water has been developed, that



is qualitatively and quantitatively consistent with available data for copper dissolution and precipitation.

- EPA requests comment on the Notice of Data Availability on the minor revisions to the Lead and Copper Rule that were proposed in 1996
- The law prohibits any person from introducing into commerce any pipe, or plumbing fitting or fixture that is not lead free after August 6, 1998, except for a pipe that is used in manufacturing or industrial processing. For details, read Section 1417 of the Safe Drinking Water Act and the NSF Standard: [Commonly Asked Questions](#).
- To learn about health threats from exposure to lead in drinking water and what you can do to prevent them, read [Actions You Can Take To Reduce Lead In Drinking Water](#).
- [Back to Drinking Water Standards Program](#)

For more information contact EPA's [Safe Drinking Water Hotline](#), 1 (800) 426-4791.

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Last updated on Tuesday, November 26th, 2002

URL: <http://C%3A/Documents%2520and%2520Settings/epa/Local%2520Settings/Temp/notesC9812B/%7E2125893.html>



Stephanie
Flaharty/DC/USEPA/US
11/16/2005 09:41 AM

To Carrie Wehling/DC/USEPA/US@EPA
cc
bcc
Subject Fw: Urgent Attention needed for FOIA Request
HQ-RIN-02104-05 [Edwards]



Carrie,

Sorry for the short notice on this FOIA -- I picked it up after I found that it had not been addressed, thanks. Please let me know if there is someone else in OGC that I should send this to instead.

The requestor has asked that we first send him any emails from Headquarters in response to his request below. I found that the action first originated in Region 3, but was addressed (mostly verbally) in Headquarters. However, I did find a few emails--mostly deliberative, which I have attached at the bottom of this email. Note: Serri Umansky's email of 3/26/2004 specifically directs the contractor to remove the reference to 40 ppb. Please review for release at your earliest convenience.

Thanks,
Steph
564-5072

----- Forwarded by Stephanie Flaharty/DC/USEPA/US on 11/16/2005 09:01 AM -----



Please note, recent research in response to the subject FOIA has prompted us to ask you to search your records for any reference to the FOIA request, as follows:

"In late 2002 there was an EPA Web page that indicated lead levels above 40 ppb posed an imminent and substantial danger to pregnant women and children. This might have been the original link:
<http://www.epa.gov/safewater/standard/lead&cop.html>.

My searches [sic] can no longer find this wording. Other researchers also saw this web page and wording (it was also referred to in Ellen Silbergeld testimony to Congress last year).

I would like copies (electronic [sic], if possible) of any documentation regarding 1) the original web page, 2) any background information on how this statement was first posted, 3) the date it was removed, 4) the date it was first posted, Also, 5) any written documentation discussing why it was removed, and why this explicit language no longer seems publicly available."

Note: Point of reference for items no. 3 and 4 see email attached below:

Our response is past due, so we need a quick turnaround if possible. Thanks for your assistance!

Stephanie Flaharty
Senior Regulations Manager
Office of Ground Water and Drinking Water
202.564.5072

~~~~~  
Steve Hennigh  
Computer Sciences Corporation (CSC)  
Contractor to the U.S. EPA  
tel: 202-741-4365  
~~~~~

Sherri Umansky

----- Forwarded by Phill Searce/DC/USEPA/US on 11/10/2005 04:11 PM -----



**Steven
Hennigh/DC/USEPA/US**
03/26/2004 03:18 PM

To: Sherri Umansky/DC/USEPA/US@EPA
Veronica Blette/DC/USEPA/US@EPA, Phill
cc: Searce/DC/USEPA/US@EPA, Lisa
Donahue/R3/USEPA/US@EPA
Subject: Fw: Lead website changes

Sherri,

These edits for the lead pages have been completed.

<http://www.epa.gov/safewater/lead/schoolanddccc.htm>
<http://www.epa.gov/safewater/lead/excerptfrom58.htm>

Steve

~~~~~  
Steve Hennigh  
Computer Sciences Corporation (CSC)  
Contractor to the U.S. EPA  
tel: 202-741-4365  
~~~~~

Sherri Umansky
03/26/2004 12:46 PM

To: Steven Hennigh/DC/USEPA/US@EPA
cc: Veronica Blette/DC/USEPA/US@EPA, Phill
Searce/DC/USEPA/US@EPA, Lisa Donahue/R3/USEPA/US@EPA
Subject: Lead website changes

Hi Steven,
I have a few more changes to the lead websites.

On this page: www.epa.gov/safewater/schoolsanddccc.htm:
1) Paragraph 3. Please remove the sentence that begins, "Also, 40 ppb of lead...."
2) Please change this link: www.nsf.org/dwa/dwa_usepa.html to
http://www.nsf.org/business/water_distribution/dwa_usepa.asp

On this page: www.epa.gov/safewater/lead/excerptfrom58.htm:

*not
Scient. fact in
excerp*

lead excerpt
→

not Agency's position

- 1) Please take out header, ".40 ppb for Immediate Action" and the paragraph that follows.
- 2) Please take out the quotation marks that begin the second paragraph and end the third paragraph, because now, all the contents from the page will be actual excerpts.

Thank you!

Sherri Umansky
Environmental Protection Specialist/Outreach Team
EPA/Office of Ground Water and Drinking Water
(202) 564-4639
(202) 564-3757 (fax)
umansky.sherri@epa.gov

"A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise." Aldo Leopold, A Sand County Almanac

----- Forwarded by Sherri Umansky/DC/USEPA/US on 11/10/2005 03:16 PM -----



**Sherri
Umansky/DC/USEPA/US**
05/21/2002 04:16 PM

To Lisa Donahue/R3/USEPA/US
cc Phill Searce/DC/USEPA/US@EPA
Subject Re: your web page

Great! I will get the signatures from HQ folks and we'll get it posted!

Lisa Donahue



Lisa Donahue
05/21/02 03:54 PM

To: Sherri Umansky/DC/USEPA/US@EPA
cc:
Subject: Re: your web page

Hi Sherri,

Here's the form. I wasn't sure who to put for the first 2 lines, since I'm not in OGWDW... Both my BBranch Chief (Karen) and Office Director (David McGuigan) have seen the pages. Also, the pages have been through both regional and HQ Product Review (Larry Teller is regional coordinator of this). Since it's already on the intranet, I'm hoping that the transition can go smoothly, and I included the contact name of the technical person who actually did the html and template formatting.

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internetform Pb in DW.wq

Please let me know if I need anything else, like official signatures...

thanks!
Lisa

Sherri Umansky



Sherri Umansky

05/13/2002 04:12 PM

To: Lisa Donahue/R3/USEPA/US@EPA

cc:

Subject: your web page



internetform.WPC

Hi Lisa,

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Sherri

Carrie,

FYI, as of December 2, 2002, the "lead7cop.html" site showed 15 ppb.

----- Forwarded by Stephanie Flaharty/DC/USEPA/US on 11/15/2005 09:03 AM -----



**Phill
Scearce/DC/USEPA/US**

11/10/2005 04:07 PM

To: Stephanie Flaharty/DC/USEPA/US@EPA

cc

Subject: Lead Webpage from 12/02/02 Archive

These files are archives from my archive disc dated: Dec 02, 2002

The location was: safewater/standard/

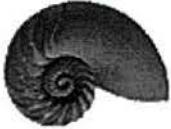


lead&co1.html



lead&cop.html

Phill Searce
US EPA/OW/OGWDW/DWPD/IB
Mail Code 4606-M
Washington, DC 20460
202-564.4634
202.564.3757 (fax)
Searce.Phill@epa.gov
<http://www.epa.gov/safewater/>



**Stephanie
Flaharty/DC/USEPA/US**
11/15/2005 08:44 AM

To Carrie Wehling/DC/USEPA/US
cc
bcc
Subject Fw: Website

----- Forwarded by Stephanie Flaharty/DC/USEPA/US on 11/15/2005 08:44 AM -----

**Sherri
Umansky/DC/USEPA/US**
11/10/2005 03:25 PM

To Stephanie Flaharty/DC/USEPA/US@EPA
cc
Subject Fw: Website

(6)

Sherri Umansky
Environmental Protection Specialist/Outreach Team
EPA/Office of Ground Water and Drinking Water
(202) 564-4639
(202) 564-3757 (fax)
umansky.sherri@epa.gov

----- Forwarded by Sherri Umansky/DC/USEPA/US on 11/10/2005 03:25 PM -----

**Sherri
Umansky/DC/USEPA/US**
03/26/2004 03:28 PM

To Lisa Donahue/R3/USEPA/US
cc
Subject Website

Lisa,
When I spoke to Veronica earlier, she said to just go ahead and take out the info, and see what happens. If we get calls on it, we may need a desk statement for Hotline and the front office, etc., so you might want to think about how to word one, but we'll see whether there's a response first.

Sherri



Stephanie
Flaharty/DC/USEPA/US
11/14/2005 10:49 AM

To Lisa Donahue/R3/USEPA/US@EPA, Christine
Dibble/DC/USEPA/US@EPA, Jeffrey
Levy/DC/USEPA/US@EPA

cc

bcc

Subject Urgent Attention needed for FOIA Request
HQ-RIN-02104-05 [Edwards]



Microsoft Word - 02104-05 [Edwards].doc

Please note, recent research in response to the subject FOIA has prompted us to ask you to search your records for any reference to the FOIA request, as follows:

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<http://www.epa.gov/safewater/standard/lead&cop.html>.

My searches [sic] can no longer find this wording. Other researchers also saw this web page and wording (it was also referred to in Ellen Silbergeld testimony to Congress last year).

I would like copies (electronic [sic], if possible) of any documentation regarding 1) the original web page, 2) any background information on how this statement was first posted, 3) the date it was removed, 4) the date it was first posted, Also, 5) any written documentation discussing why it was removed, and why this explicit language no longer seems publicly available."

Note: Point of reference for items no. 3 and 4 see email attached below:

Our response is past due, so we need a quick turnaround if possible. Thanks for your assistance!

Stephanie Flaharty
Senior Regulations Manager
Office of Ground Water and Drinking Water
202.564.5072

Sherri
Umansky/DC/USEPA/US
03/26/2004 12:46 PM

To Steven Hennigh/DC/USEPA/US
Veronica Blette/DC/USEPA/US@EPA, Phill
cc Searce/DC/USEPA/US@EPA, Lisa
Donahue/R3/USEPA/US@EPA
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- 1) Paragraph 3. Please remove the sentence that begins, "Also, 40 ppb of lead...."
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http://www.nsf.org/business/water_distribution/dwa_usepa.asp

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(202) 564-4639
(202) 564-3757 (fax)
umansky.sherri@epa.gov

Sherri
Umansky/DC/USEPA/US
11/10/2005 03:16 PM

To Stephanie Flaharty/DC/USEPA/US@EPA
cc
Subject Fw: your web page

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Umansky/DC/USEPA/US
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To Lisa Donahue/R3/USEPA/US
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05/21/02 03:54 PM

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Sherri Umansky



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To: Lisa Donahue/R3/USEPA/US@EPA
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internetform.WPE

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Sherri



**Stephanie
Flaharty/DC/USEPA/US**
11/16/2005 01:22 PM

To Diane Jones/DC/USEPA/US@EPA
cc
bcc
Subject Fw: FOIA Request #HQ-RIN-02104-05 dated 9/29/2005

Hi Diane,

Here's a partial response to the subject FOIA. I vetted this through OGC before I sent it out.

Thanks,
Steph
564-5072

----- Forwarded by Stephanie Flaharty/DC/USEPA/US on 11/16/2005 01:21 PM -----



**Stephanie
Flaharty/DC/USEPA/US**
11/16/2005 01:20 PM

To edwardsm@vt.edu
cc
Subject FOIA Request #HQ-RIN-02104-05 dated 9/29/2005

MEMORANDUM

Subject: Freedom of Information Act Request Number #HQ-RIN-02104-05
From: Stephanie Flaharty, Sr. Regulations Manager, Office of Ground Water and Drinking Water
To: Marc Edwards

The Office of Groundwater and Drinking Water (OGWDW) is responding to the above referenced Freedom of Information Act Request (FOIA) Number #HQ-RIN-02104-05.

After a thorough search of records in OGWDW headquarter's, OGWDW has found one record that was referenced as potentially and partially responsive. A copy of the email is attached to this email. To place this email in context, internal verbal communication in March of 2004 identified that an EPA web page on lead made reference to lead levels above 40 ppb. Evidently, this reference was posted to the site by regional staff before it could be vetted or verified as scientifically valid; hence, the Agency removed the reference, per the attached email of March 26, 2004.

We are currently awaiting a response from the Region and will forward any documentation deemed releasable regarding this subject FOIA request.

Sherri Umansky
03/26/2004 12:46 PM

To: Steven Hennigh/DC/USEPA/US@EPA
cc: Veronica Blette/DC/USEPA/US@EPA, Phill
Scearce/DC/USEPA/US@EPA, Lisa Donahue/R3/USEPA/US@EPA
Subject: Lead website changes

Hi Steven,
I have a few more changes to the lead websites.

On this page: www.epa.gov/safewater/schoolsanddccc.htm:

1) Paragraph 3. Please remove the sentence that begins, "Also, 40 ppb of lead...."

2) Please change this link: www.nsf.org/dwa/dwa_usepa.html to
http://www.nsf.org/business/water_distribution/dwa_usepa.asp

On this page: www.epa.gov/safewater/lead/excerptfrom58.htm:

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Thank you!

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Environmental Protection Specialist/Outreach Team
EPA/Office of Ground Water and Drinking Water
(202) 564-4639
(202) 564-3757 (fax)
umansky.sherri@epa.gov



Lisa Donahue/R3/USEPA/US

11/17/2005 12:50 PM

To Stephanie Flaharty/DC/USEPA/US@EPA

cc

bcc

Subject Re: Urgent Attention needed for FOIA Request
HQ-RIN-02104-05 [Edwards]

Steph,

I am in meetings for the rest of today. I have at least one thing, which I can supply electronically. I have one withheld doc, for which i will give you the FOIA exemption and description. I have to look in a couple more files and can have it completed tomorrow. Also My council contact happened to mention to me that the region has responded to other requests from this person, and have not provided him with emails electronically. They were printed and sent. I'm not sure if that is a national or regional policy or if it applied to this requestor only. If you have any questions about that, please contact Lori Kier in ORC, who worked on those other requests (but not this one).

Lisa

Stephanie Flaharty/DC/USEPA/US



**Stephanie
Flaharty/DC/USEPA/US**

11/17/2005 12:01 PM

To Lisa Donahue/R3/USEPA/US@EPA

cc

Subject Re: Urgent Attention needed for FOIA Request
HQ-RIN-02104-05 [Edwards]

Hi Lisa,

Just checking in with you for status on this request. Also, please give me an estimate of staff time involved in the searching for records as it appears we'll be going over the amount the requestor has approved in his initial request.

Thanks

Steph

202-564-5072

Lisa Donahue/R3/USEPA/US



Lisa Donahue/R3/USEPA/US

11/14/2005 12:52 PM

To Stephanie Flaharty/DC/USEPA/US@EPA

cc

Subject Re: Urgent Attention needed for FOIA Request
HQ-RIN-02104-05 [Edwards]

Stephanie,

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statement, and information on how it got on the web page. However, I will have to have the information checked internally to see what is FOIA exempt (deliberative and/or enforcement confidential.) Since this will not be a simple matter, I suggest you contact our FOIA officer, Richard Van Holt, so the request can be tracked appropriately in Region III. In the meantime, perhaps you can get an extension from the requestor. (is it Marc Edwards?)

Lisa

-----Stephanie Flaharty/DC/USEPA/US wrote: -----

To: Lisa Donahue/R3/USEPA/US@EPA, Christine Dibble/DC/USEPA/US@EPA, Jeffrey Levy/DC/USEPA/US@EPA
From: Stephanie Flaharty/DC/USEPA/US
Date: 11/14/2005 10:49AM
Subject: Urgent Attention needed for FOIA Request HQ-RIN-02104-05 [Edwards]

Please note, recent research in response to the subject FOIA has prompted us to ask you to search your records for any reference to the FOIA request, as follows:

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Office of Ground Water and Drinking Water
202.564.5072

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Umansky/D
C/USEPA/
US
03/26/2004
12:46 PM

ToSteven Hennigh/DC/USEPA/US

ccVeronica Blette/DC/USEPA/US@EPA, Phill
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(202) 564-3757 (fax)
umansky.sherri@epa.gov

**Sherri
Umansky/DC/USE
PA/US**
11/10/2005 03:16
PM

ToStephanie Flaharty/DC/USEPA/US@EPA

cc

SubjectFw: your web page

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Environmental Protection Specialist/Outreach Team
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ccPhill Searce/DC/USEPA/US@EPA

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cc:
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internetform Pb in DW.wpd



internetform.WPD



**Stephanie
Flaharty/DC/USEPA/US**

11/17/2005 12:01 PM

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bcc
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12:46 PM

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PA/US**
11/10/2005 03:16
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ToStephanie Flaharty/DC/USEPA/US@EPA

cc

SubjectFw: your web page

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05/21/2002 04:16
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internetform Pb in DW.wpd internetform.WPD



**Stephanie
Flaharty/DC/USEPA/US**

11/17/2005 04:33 PM

To Lisa Donahue/R3/USEPA/US@EPA

cc Lori Kier/R3/USEPA/US@EPA, Maria —215-814-2488
Goodine/R3/USEPA/US@EPA

bcc

Subject Correction: Cynthia Madolski's # is 215-814-2673
Fw: Urgent Attention needed for FOIA Request
HQ-RIN-02104-05 [Edwards]

----- Forwarded by Stephanie Flaharty/DC/USEPA/US on 11/17/2005 04:31 PM -----



**Stephanie
Flaharty/DC/USEPA/US**

11/17/2005 04:28 PM

To Lisa Donahue/R3/USEPA/US

cc Lori Kier/R3/USEPA/US@EPA, Maria
Goodine/R3/USEPA/US@EPA

Subject Re: Urgent Attention needed for FOIA Request
HQ-RIN-02104-05 [Edwards]

Lisa,

I contacted Lori and we conferenced in Maria Goodine (FOIA counsel) to discuss whether to complete the response to the subject FOIA in hard copy or electronically. We understand that prior requests from this individual have been far reaching and cumbersome to respond to --- headquarters has received similar requests from the same party --- and we all agree that those responses should be hard copy. However, since this request is quite narrow in scope and we have already partially responded electronically, Maria agreed that we could complete the response electronically unless it presented some technical difficulties. However, if you have any documents that are not electronic, you could fax them to me and I will convert to .pdf format for electronic transmission.

Lori also mentioned that she is no longer assisting in these FOIAs, and that Cynthia Madolski (215-814-2488 2673) is now assisting with these FOIAs.

Since this FOIA is now past due, please let me know how soon you expect to have your response.

Again, sorry for the short notice -- when I checked on its status I found that this FOIA had been inadvertently set aside

Stephanie Flaharty
Senior Regulations Manager
Office of Ground Water and Drinking Water
202.564.5072

Lisa Donahue/R3/USEPA/US



Lisa Donahue/R3/USEPA/US

11/17/2005 12:50 PM

To Stephanie Flaharty/DC/USEPA/US@EPA

cc

Subject Re: Urgent Attention needed for FOIA Request
HQ-RIN-02104-05 [Edwards]



Steph,

I am in meetings for the rest of today. I have at least one thing, which I can supply electronically. I have one withheld doc, for which I will give you the FOIA exemption and description. I have to look in a couple more files and can have it completed tomorrow. Also My council contact happened to mention to me that the region has responded to other requests from this person, and have not provided him with emails electronically. They were printed and sent. I'm not sure if that is a national or regional policy or if it applied to this requestor only. If you have any questions about that, please contact Lori Kier in ORC, who worked on those other requests (but not this one).

Lisa

Stephanie Flaharty/DC/USEPA/US



**Stephanie
Flaharty/DC/USEPA/US**

11/17/2005 12:01 PM

To Lisa Donahue/R3/USEPA/US@EPA

cc

Subject Re: Urgent Attention needed for FOIA Request
HQ-RIN-02104-05 [Edwards]

Hi Lisa,

Just checking in with you for status on this request. Also, please give me an estimate of staff time involved in the searching for records as it appears we'll be going over the amount the requestor has approved in his initial request.

Thanks

Steph

202-564-5072

Lisa Donahue/R3/USEPA/US



Lisa Donahue/R3/USEPA/US

11/14/2005 12:52 PM

To Stephanie Flaharty/DC/USEPA/US@EPA

cc

Subject Re: Urgent Attention needed for FOIA Request
HQ-RIN-02104-05 [Edwards]

Stephanie,

I am working from home today, and will have to check my records in the office. I know the origin of the statement, and information on how it got on the web page. However, I will have to have the information checked internally to see what is FOIA exempt (deliberative and/or enforcement confidential.) Since this will not be a simple matter, I suggest you contact our FOIA officer, Richard Van Holt, so the request can be tracked appropriately in Region III. In the meantime, perhaps you can get an extension from the



Stephanie
Flaharty/DC/USEPA/US
11/18/2005 01:35 PM

To Mary Powers/DC/USEPA/US@EPA
cc Diane Jones/DC/USEPA/US@EPA
bcc
Subject Re: status of HQ-RIN-01812-05 and HQ-RIN-02104-05

Mary,

This last week, I have sent Mr. Edwards a partial response to HQ-RIN-02104-05 and I requested a 10-day extension to November 26, 2005 to complete our response, which Mr. Edwards agreed to. Since then, I have been corresponding with Mr. Edwards (almost daily) to answer questions and to let him know exactly how we are proceeding in response to his follow-up concerns and questions to satisfy his request. I'll be happy to forward you these emails. Today, I sent him a request for an assurance of payment of \$187.00 because his FOIA request indicated a payment limit of \$50.00.

I have also responded to Mr. Edwards request for a status update and estimated response date for HQ-RIN-01812-05. I told Mr. Edwards that I will investigate the progress on this FOIA and that I would be in contact with him. This FOIA request is very far reaching and cumbersome to collect and review the thousands of emails he has requested (we have estimated charges of \$14,849 to complete). I am still working on an estimate of completion date for him, which I hope to have by next week.

Please let me know if you would like copies of the emails that I referred to above.

Stephanie Flaharty
Senior Regulations Manager
Office of Ground Water and Drinking Water
202.564.5072

Mary Powers/DC/USEPA/US



Mary Powers/DC/USEPA/US
11/18/2005 01:12 PM

To Stephanie Flaharty/DC/USEPA/US@EPA
cc Diane Jones/DC/USEPA/US@EPA
Subject status of HQ-RIN-01812-05 and HQ-RIN-02104-05

Hello,

The FOIA Office received two emails from Marc Edwards regarding the status of his two FOIA requests. 1812 concerns emails, etc. for OW employees and 2104 requests records related to EPA web page link re: lead levels above 40 ppb. Mr. Edwards says that he has not received any response on either request. Can you let me know what the status of these requests is? thank you.

Mary Katherine Powers
Records, FOIA, and Privacy Branch
Office of Environmental Information
Phone (202) 566-1670



**Stephanie
Flaharty/DC/USEPA/US**
11/25/2005 03:25 PM

To edwardsm@vt.edu
cc Diane Jones/DC/USEPA/US@EPA
bcc
Subject Fw: FOIA Request #HQ-RIN-02104-05 dated 9/29/2005 and
Item No. 2 on FOIA Request #HQ-RIN-00309-06

MEMORANDUM

Subject: Freedom of Information Act Request Number #HQ-RIN-02104-05
From: Stephanie Flaharty, Sr. Regulations Manager, Office of Ground Water and Drinking Water
To: Marc Edwards

The Office of Groundwater and Drinking Water (OGWDW) is responding to the above referenced Freedom of Information Act Requests (FOIA) Number #HQ-RIN-02104-05 and #HQ-RIN-00309-06, Item No. 2.

Our internal archival file search here in headquarters for the actual web page that showed a reference to the lead levels at or above 40 ppb was not successful. To conclude our response on the subject FOIAs, we have attached a response received from Region 3 below:

The WordPerfect document is that language which was submitted for upload to the web site. The file is dated in 2002. The exemptions are written for inclusion in a partial denial letter.



20 ppb rationale web.wpd edwards foia exemptions.doc

This email and the subject attachments represent our final response on the subject FOIA and Item No. 2 on FOIA HQ-RIN-00309-06.

Regards,

Stephanie Flaharty
Senior Regulations Manager
Office of Ground Water and Drinking Water
202.564.5072

----- Forwarded by Stephanie Flaharty/DC/USEPA/US on 11/25/2005 03:03 PM -----



**Stephanie
Flaharty/DC/USEPA/US**
11/16/2005 01:20 PM

To edwardsm@vt.edu
cc
Subject FOIA Request #HQ-RIN-02104-05 dated 9/29/2005

MEMORANDUM

Subject: Freedom of Information Act Request Number #HQ-RIN-02104-05

From: Stephanie Flaharty, Sr. Regulations Manager, Office of Ground Water and Drinking Water
To: Marc Edwards

The Office of Groundwater and Drinking Water (OGWDW) is responding to the above referenced Freedom of Information Act Request (FOIA) Number #HQ-RIN-02104-05.

After a thorough search of records in OGWDW headquarter's, OGWDW has found one record that was referenced as potentially and partially responsive. A copy of the email is attached to this email. To place this email in context, internal verbal communication in March of 2004 identified that an EPA web page on lead made reference to lead levels above 40 ppb. Evidently, this reference was posted to the site by regional staff before it could be vetted or verified as scientifically valid; hence, the Agency removed the reference, per the attached email of March 26, 2004.

We are currently awaiting a response from the Region and will forward any documentation deemed releasable regarding this subject FOIA request.

Sherri Umansky

03/26/2004 12:46 PM

To: Steven Hennigh/DC/USEPA/US@EPA

cc: Veronica Blette/DC/USEPA/US@EPA, Phill

Scearce/DC/USEPA/US@EPA, Lisa Donahue/R3/USEPA/US@EPA

Subject: Lead website changes

Hi Steven,
I have a few more changes to the lead websites.

On this page: www.epa.gov/safewater/schoolsanddccc.htm:

- 1) Paragraph 3. Please remove the sentence that begins, "Also, 40 ppb of lead...."
- 2) Please change this link: www.nsf.org/dwa/dwa_usepa.html to http://www.nsf.org/business/water_distribution/dwa_usepa.asp

On this page: www.epa.gov/safewater/lead/excerptfrom58.htm:

- 1) Please take out header, ".40 ppb for Immediate Action" and the paragraph that follows.
- 2) Please take out the quotation marks that begin the second paragraph and end the third paragraph, because now, all the contents from the page will be actual excerpts.

Thank you!

Sherri Umansky
Environmental Protection Specialist/Outreach Team
EPA/Office of Ground Water and Drinking Water
(202) 564-4639
(202) 564-3757 (fax)
umansky.sherri@epa.gov



Mary Powers/DC/USEPA/US

02/01/2006 01:29 PM

To Diane Jones/DC/USEPA/US@EPA, Stephanie
Flaharty/DC/USEPA/US@EPA
cc Richard Vanholt/R3/USEPA/US

bcc

Subject Communications with Region 3 regarding HQ-RIN-02104-05
(information on 40 ppb lead level)

The original request was sent to HQ on 9/29/05 and assigned HQ-RIN-02104-05. My understanding was that Region 3 searched for emails on this request and worked with Stephanie Flaharty and perhaps Diane Jones of OW. Richard Van Holt, Region 3 FOIA Officer, searched for a record of Region 3 emails on this subject, but did not find one, nor could he locate a Region 3 RIN for this FOIA.

An 11/29/05 email from Ms. Flaharty to Mr. Edwards says the following:

"In addition, I contacted Region 3 and asked for a confirmation that they were not withholding any emails. Region 3 has responded and confirmed that they do not have any emails that they are withholding and I have not been able to locate any other email on the referenced posting. Evidently, the invalid reference was erroneously added to the Web site excerpt from the preamble to the June 27, 1991 Lead and Copper final rule without being scientifically vetted, as I first mentioned in my November 16, 2005, email."

I need to know who was contacted in Region 3 for HQ-RIN-02104-05. The reason for this is that Mr. Edwards has sent another FOIA asking for all EPA communications regarding HQ-RIN-01812-05 and HQ-RIN-02104-05, and I need to know who to list in Region 3 for 2104, so that my special instructions can be as specific as possible. I believe that HQ-RIN-01812-05 only involved HQ personnel. For 2104 HQ, I will assign to OW and let you work it out regarding communications.

thanks.

Mary Katherine Powers
Records, FOIA, and Privacy Branch
Office of Environmental Information
Phone (202) 566-1670